

11/16/01  
jc965 U.S. PTO

11-23-01

PATENT  
Docket No. PDI-2K01

jc972 U.S. PTO  
09/991459

11/16/01

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

### NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of  
Inventor(s): **James A. McMillen and Evan Grund**

**WARNING:** Patent must be applied for in the name(s) of all the actual  
inventor(s). 37 CFR 1.41(a) and 1.53(b).

For (title): **APPARATUS AND METHOD FOR ENABLING HIGH RESOLUTION FILM  
THICKNESS AND THICKNESS-UNIFORMITY MEASUREMENT**

#### 1. Type of Application

This new application is a(n) (check one applicable item below):

- ☒ Original
- ☐ Design
- ☐ Plant

**WARNING:** Do not use this transmittal for a completion in the U.S. of an International  
Application under 35 U.S.C. 371(c)(4) unless the International Application is being filed as a  
divisional, continuation or continuation-in part Application.

**NOTE:** If one of the following 3 items apply then complete and attach ADDED PAGES FOR NEW  
APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION  
CLAIMED.

- ☐ Divisional
- ☐ Continuation
- ☐ Continuation-in-part (CIP)

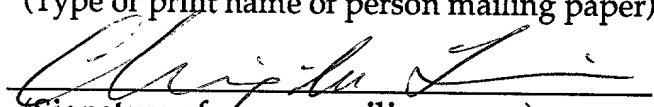
---

#### CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents  
referred to as enclosed therein are being deposited with the United States Postal  
Service on this date **November 16, 2001** in an envelope as "Express Mail Post  
Office to Addressee" Mailing Label Number **ET648485052US** addressed to the :  
Commissioner of Patents and Trademarks, Washington, D.C. 20231.

**Ching-lu Lin**

(Type or print name of person mailing paper)

  
(Signature of person mailing paper)

**NOTE:** Each paper or fee referred to as enclosed herein has the number of the "Express Mail"  
mailing label placed thereon to mailing. 37 CFR 1.10(b).

## 2. Benefit of Prior U.S. Application(s) (35 USC 120)

**NOTE:** If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

☒ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or CFR 1.153 (Design) Application

15 Pages of specification

6 Pages of claims

1 Pages of Abstract

3 Pages of Drawings

☒ formal

☐ informal

**WARNING:** DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted the Office. **Only one copy is required or desired.** Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).

**NOTE:** "Identify indicia such as the serial number, group and unit, title of the invention, attorney's docket number, inventor's name, number of sheets, etc., not to exceed 2 3/4 inches (7.0 cm.) in which may be placed in a centered location between the side edges within three fourths inch (19.1 mm.) of the top edge. Either this marking technique on the front of the drawing is acceptable." Proposed 37 CFR 1.84 (1). Notice of March 9, 1988 (1090 O.G. 57-62)

## 4. Additional papers enclosed

☐ Preliminary amendment

☐ Information Disclosure Statement

☐ Form PTO-1449

☐ Citations

☐ Declaration of Biological Deposit

☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

☐ Special Comments

☒ Other

## 5. Declaration or oath

☒ Enclosed

executed by (*check all applicable boxes*)

☒ inventor(s).

☐ legal representative of inventor(s) . 37 CFR 1.42 or 1.43

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached

☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *See item 13 below for fee.*

☐ Not Enclosed.

**WARNING:** Where the filing is a completion in the U.S. of an International Application but where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application the application may be treated as a continuation or continuation-in-part as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

☐ Application is made by a person authorized under 37 CFR 1.41 (c) on behalf of *all* the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16 (e) can be filed subsequently.

**NOTE:** It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41 (c) and 1.53 (b).

## 6. Inventorship Statement

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the **last** claimed invention was made, should be submitted.

**The inventorship for all the claims in this application are:**

☒ The same

or

☐ Are not the same. An explanation, including the ownership of the various claims at the time the **last** claimed invention was made.

☐ is submitted

☐ will be submitted.

## 7. Language

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$30.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.5(d).

**NOTE:** A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

☒ English

☐ non-English

☐ the attached translation is a verified translation. 37 CFR 1.52(d).

## 8. Assignment

☒ An assignment of the invention to Process Diagnostics, Inc.  
☒ is attached  
☐ will follow

NOTE: "If an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment" Notice of May 4, 1990.

## 9. Certified Copy

Certified cop(ies) of application(s)

(country) (appl.no.) (filed)  
from which priority is claimed

☐ is (are) attached . A separate "ASSIGNMENT COVER LETTER  
ACCOMPANYING NEW PATENT APPLICATION" is also attached  
☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35USC120 is itself entitled to priority from a prior foreign application then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 10 Fee Calculation (37 CFR 1.16)

### A ☒ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee \$740.00
Total			
Claims 37 CFR 1.16(c) 18-20 = 0	x	\$18.00	0.00
Independent			
Claims (37CFR 1.16(b)) 4 -3 = 1	x	\$84.00	84.00
Multiple dependent claim(s), if any			
(37 CFR 1.16(d))		\$280.00	0.00

- ☐ Amendment Cancelling extra claims enclosed.
- ☐ Amendment deleting multiple-dependencies enclosed.
- ☐ Fee for extra claims is not being paid at this time.

note: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37CFR1.16(d).

Filing fee calculation \$ 824.00

**B. \_ Design application**

(\$310.00 - 37 CFR 1.16(f))

Filing fee calculation

\$ \_\_\_\_\_

**C \_ Plant application**

(\$510.00 - 37 CFR 1.16(g))

Filing fee calculation

\$ \_\_\_\_\_

**11. Small Entity Statement(s)**

☒ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

Filing Fee Calculation (50% of A, B, or C above)

\$ 412.00

NOTE: any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

**12. Request for International-Type Search (37 CFR 1.104(d)) ( complete, if applicable)**

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made At This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ basic filing fee

\$ 412.00

☒ recording assignment

(\$40.00; 37 CFR 1.21(h))

\$ 40.00

☐ petition fee for filing by other

than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.

(\$120.00; 37 CFR 1.47 and 1.17(h))

\$ \_\_\_\_\_

☐ for processing an application with

a specification in a non-English language. (\$300.00; 37 CFR 1.52(d) and 1.17(k))

\$ \_\_\_\_\_

☐ processing and retention fee

(\$130.00; 37 CFR 1.53(d) and 1.21(l))

☐ fee for international-type search report

(\$40.00; 37 CFR 1.21(e))

\$ \_\_\_\_\_

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of 1.21(l) must be paid within 1 year from notification under 53(d).

**Total fees enclosed**

\$ 452.00

**14. Method of Payment of Fees**

☒ Check in the amount of \$ 452.00

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

**15. Authorization to Charge Additional Fees**

**WARNING:** if no fees are to be paid on filing the following items should **not** be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 12-0005.

☒ 37 CFR 1.16(a), (f) or (g) (filing fees)

☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b) (c) and (d) deal with extensions of time under 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27)

☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application...prior to paying, issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

**16. Instructions As to Overpayment**

☐ credit Account No.

☒ refund

Reg. No. 33,948

Tel. No. (650) 949-0418

  
SIGNATURE OF ATTORNEY  
Bo-In Lin

Type or print name of attorney

P.O. Address : 13445 Mandoli Drive,  
Los Altos Hills, CA 94022

**X** Incorporation by reference of added pages

Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the  
**ADDED PAGES FOR A NEW APPLICATION TRANSMITTAL  
WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**

**X** Plus Added Pages For New Application Transmittal Where Benefit Of  
Prior U.S. Application(s) Claimed

Number of pages added One

   Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added                     

   Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added                     

   **Statement Where No Further Pages Added**

*(If no further pages form a part of this Transmittal then end  
this Transmittal with this page and check the following item)*

   This transmittal ends with this page

# PROVISIONAL APPLICATION COVER SHEET

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

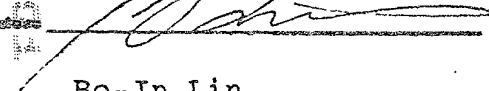
This is a request for filing a PROVISIONAL APPLICATION under 37 CFR 1.53(b)(2).

Docket Number		PDI-2k01		Type a plus sign (+) inside this box →	+
<b>INVENTOR(s) APPLICANT(s)</b>					
LAST NAME	FIRST NAME	MIDDLE INITIAL	RESIDENCE (CITY AND EITHER STATE OR FOREIGN COUNTRY)		
McMillen	James	A.	Residence: Foster City, California Citizenship: The United States of America, Post Office: 1050 Kifer Road, Sunnyvale, CA 94086		
<b>TITLE OF THE INVENTION</b> (280 characters max)					
Apparatus APPARATUS AND METHOD FOR ENABLING HIGH RESOLUTION FILM THICKNESS AND THICKNESS-UNIFORMITY MEASUREMENT					
CORRESPONDENCE ADDRESS: 13445 Mandoli Drive, Los Altos Hills, CA 94022					
<b>ENCLOSED APPLICATION PARTS (check all that apply)</b>					
<input checked="" type="checkbox"/> Specification	Number of Pages	14	<input type="checkbox"/> Small Entity Statement		
<input checked="" type="checkbox"/> Drawing(s)	Number of Sheets	2	<input checked="" type="checkbox"/> Other (specify) claims: 6 pages, Abstract: 1 page		
<b>METHOD OF PAYMENT (check one)</b>					
<input checked="" type="checkbox"/> A check or money order is enclosed to cover the Provisional filing fee.				ESTIMATED PROVISIONAL FILING FEE AMOUNT	
<input type="checkbox"/> The Commissioner is hereby authorized to charge the required filing fee to Deposit Account Number					
				<input checked="" type="checkbox"/> \$150	
				<input type="checkbox"/> \$75	

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

☒ No: ☐ Yes, the name of the U.S. Government agency and the Government contract number are: \_\_\_\_\_

Respectfully submitted,

Signature:   
Bo-In Lin

REGISTRATION NO.  
(if appropriate)

33,948

Date

Nov. 16, 2000

☒ Additional inventors are being named on separately numbered sheets attached hereto. Total number of cover sheet pages.

Two

## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Office Response Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date November 16, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EF EF246721384US addressed to the : Assistant Commissioner of Patents, Washington, D.C. 20231.

Ching-lu Lin

(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon to mailing. 37 CFR 1.10(b).